מדינת ישראל

משרדי הממשלה

דו"ח על המאמצים להגיע
להבנות עם הערבים
שהוגש לסדרות היהודיות
אנס. (ד"ר ס. לאנדאו) אוגוסט
19.11.37 – 21.2.1938

נספחים

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Not for publication

Jerusalem. February 21, 1938.

Dear Mr.

As you are aware. I have been engaged in an attempt to bring about a meeting between Jews and Arabs. This was undertaken at the request of the Executive of the Jewish Agency in letters, dated December 6th, 1937, December 13th, 1937, and January 13th, 1938.

I herewith present a report.

This report has taken on a form other than that I had planned, because of the need also of answering Mr.Shertok's letter of January 25, 1938, with the contents of which I presume you are familiar.

I would suggest that, at the present juncture, I meet with the Executive to discuss Jewish-Arab relations.

The Hebrew text of this report will follow.

Yours truly,

(sgd) J.L.Magnes

To the
Members of the Executive,
Jewish Agency,
Jerusalem.

Gentlemen,

1. Towards the end of October 1937 I received from Mr.Hyamson of London the text of a "Suggested Basis for Discussion Between Jewish and Arab Representatives" (Appendix I, text 1). Mr. Hyamson also communicated this text to the Jewish Agency in London on November 4, 1937.

This text had been drawn up by Mr. Hyamson and Colonel Newcombe in London.

Col.Newcombe was one of the founders and later the Treasurer of the Palestine Information Bureau, which was the accredited representative in London of the Arab Higher Committee until the supression of that Committee.

Mr. Hyamson reported that this text had behind it some influential Arabs, and that it was the precipitate of many discussions that had taken place between Jews, Arabs and Englishmen during the summer of 1937 in America, England and Geneva.

You are probably aware of the tenour of some of these discussions.

2. This text seemed to me worthy of particular attention, both because of the participation of Col. Newcombe in its authorship as also because of its form and contents.

It had been drawn up with each word carefully weighed. It was not in legal form. It was not a draft of a peace agreement or formal treaty, but merely what it purported to be: "A suggested basis for discussion". Some important points, for example land sales, were omitted. The dates in the first and last paragraphs were left open. The immigration clause was intentionally broad and vague. The term "minority" did not appear. The term "Jewish National Home", but not the term "Arab State" appeared. Transjordan was mentioned. Thus this text was meant to serve, like many another of this genre, not as a legal and binding agreement, but as a means of preparing the way for and bringing about a first meeting of opposing sides.

3. I brought this text to the attention of Messrs. Hexter and Ussischkin of the Jewish Agency, with the result that first Mr.Shertok and I, on November 22, 1937, had talks together for the purpose of clarifying the meaning of the text.

I gave answers to their detailed questions, as best I could, seeing I had had nothing to do with the drafting of this text. I also, at their request, wrote to Mr. Hyamson for more formal answers and I communicated these to Mr. Shertok on December 3, 1937 and December 9, 1937. I enclose copies of this correspondence with Mr. Shertok on these questions (Appendix II, IV, V).

Questions as to the meaning of the text were put simultaneously by the Agency to Mr. Hyamson in London and answers were given by him to the Agency there.

4. In a letter of Mr. Shertok to me, dated December 6, 1937 (Appendix IV) I received an authorisation from the Agency to endeavour to bring about a meeting between the Agency and Arabs of appropriate standing, this meeting to be secret, unofficial and preliminary. This authorisation was repeated in letters dated December 13, 1937 and January 13, 1938 (Appendix VI, IX).

The authorisation in the letter of December 6th, 1937, reads as follows:-

> "Under the circumstances we think that the only way to bring out the facts as they are and to arrive at real negotiations, in case such are possible, is to arrange a meeting between us and the Arabs who may be ready for negotiations. If you can propose such a meeting with Arabs of appropriate status, I herewith inform you that we are ready for that. It is self understood that the first meeting should be only an unofficial meeting for purposes of clarification, upon whose results it would be possible to determine if there be room for negotiations or not. For our part we can promise not to give any publicity to this meeting, either before or after it is held, except that the two sides agree to do this.
>
> "I therefore propose to you to find out if a meeting such as this is possible and to inform us as soon as possible."

The letter of December 13, 1937, said:

> "In any event, if it become clear that there is the possibility of a meeting face to face such as I proposed in my previous letter, we shall have to make the prior condition that the meeting be kept secret by the other side. In my previous letter I contented myself with the statement that the other side would naturally be interested in not having it made public. The facts of these last days, however, have completely upset this assumption. On the contrary, it seems as though the other side were interested only in publicity and not in real results. It must therefore be clear that if we do not have sufficient assurance that the other side would keep its word concerning the secrecy of the meeting, it is doubtful if the meeting can take place."

The above is not correct, as shown on page 12, para.30 of this Report.

At about the same date, I became uncertain as to the actual extent to which one of the Arabs mentioned by Mr. Hyamson was behind the text for a suggested basis of discussion.

5. As a consequence I at once took such steps as would ensure the receipt of direct information from the Palestine Arab leadership in Beyrouth.

To this end I met on December 16th, 1937 with an Englishman of note and an Arab. The latter is the authorised representative of the former Arab Higher Committee. I have had a number of meetings with these two gentlemen, both of whom have spared no effort to bring about the secret, unofficial, preliminary meeting as proposed by Mr. Shertok.

I shallhave something to say about these meetings later on. Suffice it to say here that the Hyamson-Newcombe text served throughout as the basis of our discussions and our efforts.

6. On December 28th, 1937 (Appendix VII) Mr. Shertok wrote me, taking exception to a letter of Mr. Hyamson to Mr. Lourie, the political secretary of the Agency in London, dated December 20th. He also enclosed an extract of a Minute of an interview between Mr. Moussa Husseini and Mr. Bakstansky of the English Zionist Federation, on December 14, 1937.

In my answer to Mr. Shertok on December 30th, the day I received his letter of December 28th (Appendix VIII) I said that I hoped that he might "hear from me in the course of the next week. May I add that I am responsible only for such things as come direct from me - not for Mr. Hyamson's letters, and not for anything else."

7. On January 6, 1938 I requested one of Mr. Shertok's colleagues in the Executive of the Jewish Agency to tell Mr. Shertok the following:-

That I had been in touch with Arabs in Beyrouth through intermediaries, with whom I had had three meetings; that the fourth meeting was to have taken place on January 4, but that it had been postponed at the last minute, probably because the Ormsby-Gore despatch appeared on that day.

8. On January 11th, 1938, at one of these meetings with the Englishman and the Arab whom I have mentioned, I was handed a text (Appendix I, text 2) giving the basis upon which the Palestine Arab leadership in Beyrouth would be willing to meet with the Jewish Agency in a secret, unofficial, preliminary meeting as proposed by Mr. Shertok.

This text used the form and some of the paragraphs of the Hyamson-Newcombe text. But it contained radical changes as to the crucial points of immigration and land sales, and also as to the possibility of a provisional agreement which might be renewable after a period of years.

9. On January 12th, Mr. Shertok met with me and I communicated these changes to him, and at the same time asked him, as I had been requested to do, to give me his personal opinion as to whether the Jewish Agency would meet upon the basis of this amended text.

He said it would not.

I had already expressed this same opinion to those with whom I was meeting. I later communicated Mr. Shertok's oral answer to them.

10. On January 13, 1938 Mr. Shertok wrote me (Appendix IX) -

(a) analysing at length the differences between the original Hyamson-Newcombe text and the text as amended in the name of the Beyrouth Arab leadership;

(b) stating that: "The Jewish Agency rejects the text of the other side as the basis for negotiations and declares that it will not enter into a consideration of it;"

(c) yet "if the other side wishes a meeting with the Agency after it knows that this is the Agency's attitude, the Agency is ready for a meeting. In relation to this meeting all the conditions are to remain in force as given in my letter to you of December 6, 1937. I am sure that you will without delay communicate to me the other side's answer to our declaration."

11. On the same day I translated the whole letter of January 13, word for word, to those with whom I was meeting. Yet despite the unsatisfactory stage the conversation had reached they were anxious that our meetings be continued.

12. On January 14, (Appendix IX) I wrote to Mr. Shertok, as follows:-

"At the meeting yesterday I received the declaration that there were chances of a meeting only if their (Beyrouth Arabs J.L.M.) text served as a basis for discussion."

"Nevertheless we agreed to meet again next Thursday (January 20th) upon my return from Nathania.

"In my opinion it would be worth while to consider the possibility of a further answer from you - perhaps in this sense that you repeat the readiness of the Agency to meet upon the London text as a basis of discussion, despite the provisions which are unsatisfactory to the Agency.

"And then, if this be possible, to prepare a text giving expression to the attitude of the Agency towards all the paragraphs of the text prepared by them (Beyrouth Arabs. J.L.M.) ".

13. As an answer to this, Mr. Shertok sent me his letter, dated January 25, 1938 (Appendix X).

He asks for an explanation of the alleged discrepency between my representations to the Executive in November 1937, concerning the Arabs behind the Hyamson-Newcombe text and the fact that in January 1938 the Beyrouth Arab leadership had accepted only some parts of that text , and as to other parts had made racidal changes.

14. I shall answer this question as to this alleged discrepency.

But before doing so I wish to point out that in his letter of January 25, 1938, Mr. Shertok himself finds the explanation of the alleged discrepency in

"lying statements", "deceit", "false impressions", "baseless rumours", "wilful misrepresentation".

It is not entirely clear from Mr. Shertok's letter to whom all of this refers. Inasmuch as he has not exempted me from these charges, although full opportunity was given him to do so, I presume he includes me as being also guilty of the above.

I waited for a considerable time for Mr.Shertok to avail himself of the opportunity given him through a member of the Executive of changing some of these expressions. But in vain; and this explains largely why my reply to his letter is belated.

Should any documents on this question have been circularized, I wish to call attention to the fact that these documents did not await my answer to Mr. Shertok's letter of January 15, 1938 (received on January 26th) and that these documents were not shown to me for possible correction and answer.

15. I have confined myself scrupulously to the terms of reference given me by the Executive. I have been carrying on not "negotiations" for a final and legal "agreement" between Jews and Arabs, but conversations and soundings that might lead to the preparation of a basis upon which the secret, unofficial, preliminary meeting proposed by Mr. Shertok might take

place. I have been careful to emphasize that the Hyamson-Newcombe text was not prepared by the Jewish Agency and that the Jewish Agency did not agree to all of its provisions. Nevertheless, despite this, the Jewish Agency was ready to regard this text as a preliminary basis for an informal secret discussion, if the Arab leaders would also so regard it. If the preliminary meeting were to take place, either side would be at liberty to accept or reject or amend the provisions of this draft, or to make proposals not contained in this draft.

What I have just said is confirmed by a Minute, prepared by the Englishman to whom I have referred above, and which I quote with his consent:-

> "Dr. Magnes translated extracts from two official letters, dated 6th and 13th December, from a leading member of the Executive of the Jewish Agency, in which the writer stated that the Jewish Agency was willing to meet representative Arabs upon the basis of this document ... with no promise of the consequent opening up of negotiations. As these two official letters were marked "private and confidential" he did not give us copies of them, but translated relevant paragraphs from Hebrew into English."

This Minute goes on to say:-

> "It was pointed out (to the Arab leadership in Beyrouth - J.L.M.) that the Jewish Agency itself only accepted the document as a basis for discussion and could not commit itself to the whole of it, but were prepared to meet on it, and that this might well be the attitude of the members of the Arab Higher Committee."

A few of my friends have met with this eminent Englishman, who has indicated to them a number of details which, of course, for reasons that must be obvious to you, I cannot commit to paper. If the Executive is interested, I shall be glad to give the names of these friends.

16. Now as to the alleged discrepency referred to by Mr. Shertok in his letter of January 25, 1938.

My letters to Mr. Shertok of December 3rd and December 9th, 1937, (Appendix III, V.) contain questions and answers that, at the request of the Agency, were intended to explain the meaning of a number of points in the Hyamson-Newcombe text.

The following occurs in my letter of December 3, 1937:-

> "1. Question: Is the "Suggested Basis for Discussion between Jewish and Arab representatives" a basis to which some influential Arabs have agreed?
>
> Answer: Yes.
>
> "2. Question: Who are these Arabs?
>
> Answer: Members of the supressed Arab Higher Committee, including X and Y, are, it is said, willing to accept the plan as the basis for discussion."

17. I call your attention to the caution with which this sentence was drawn up. The words "it is said", as above, are the words usedby Mr. Hyamson in his letter to me. Mr. Shertok in his letter of December 6th and elsewhere calls attention to this very caution and draws the conclusion from it that "even the members of the English-Jewish group in London are not completely certain of the agreement of the Arabs, but report this from rumour, or at any event at second or third hand."

18. But my answer to the alleged discrepency is that there was no discrepency in the base sense in which it is meant by Mr. Ghertok.

There were "some influential Arabs" behind this document as a suggested basis for discussion.

Mr. Hyamson was informed by this by Colonel Newcombe in the summer and early autumn, and Colonel Newcombe confirms this to me in a statement under date of February 4, 1938, as follows:-

> "I discussed possibilities with X and Y (one of whom was a member of the former Arab Higher Committee and the other in close touch with the Committee - J.L.M.) and though they left England in July and Hyamson drafted the scheme with me in August or September, I feel quite justified in saying that they would have accepted it in general, and as a basis of discussion. That was the sense of the draft. It was not intended that the actual wording would be accepted by both parties; it was hoped only to be wide enough to embrace both sides and so form the basis of discussion.
>
> "Clearly, the phrase in para 6 'The Jewish population shall not exceed an agreed figure' is inconclusive and meant to be so, until both parties agree to terms. The Mufti, for example, has never, to my knowledge, mentioned Transjordan: it is outside his province: but other leading Arabs have suggested that Transjordan would become open reasonably if a settlement is reached.
>
> "Similarly one or two other passages are more vague than the Mufti could have accepted: but they still form a basis of discussion and include in general the views given to me.
>
> "Therefore, it seems to me clear that the Mufti could not have agreed to the wording as it stood, nor could I have had his authority in detail: but the general outline did approximate to the views of the Mufti's advisers."
>
> Col. Newcombe adds that he had sent this draft to the Mufti after consulting two other "influential Arabs" whom he names.

It is clear, therefore, that Mr. Hyamson had good authority for replying definitely and briefly in the affirmative to Question 1, put by the Agency representatives:- "Is the suggested basis for discussion between Jewish and Arab representatives a basis to which some influential Arabs have agreed."

19. In the unseemly haste to find base motives for the alleged discrepency between the earlier Arab attitude and the Arab attitude later on, Mr. Shertok has overlooked a significant explanation.

This is made clear in the following statement which the two gentlemen with whom I have been meeting have authorized me to make:-

> "Despite the fact that Col.Newcombe had not been authorised to formulate the immigration paragraph in the vague way in which it appears in that document (Hyamson-Newcombe), there was nevertheless a willingness on the part of some members there (Beyrouth - J.L.M.) to arrange for a secret, preliminary meeting for the purpose of discovering whether or not any formal negotiations were possible.

"Any hope of such a meeting faded upon the appearance in the Arab press of summaries of Mr. Ben Gurion's speech on December 21st, 1937. This speech gave rise to the impression of bad faith on the part of the Jewish Agency.

"It was pointed out (to the Arabs in Beyrouth - J.L.M.) that Mr. Ben Gurion' in his speech had opposed a permanent minority status for the Jews, whereas the document in question (Hyamson-Newcombe - J.L.M.) provided for an agreement for a given period. The indignation caused by Mr. Ben Gurion's speech, however, was so great that even those who were willing to consider the preliminary meeting were now opposed to it."

I venture to direct your attention to the fact, here explicitly recorded, that it was pointed out to the Arab leadership in Beyrouth that Mr. Ben Gurion(s statement was not necessarily in conflict with or in contradiction to my conversations, as that speech opposes only permanent minority status. In all of my discussions, everywhere I have emphasized that the Jews would not be prepared to accept permanent minority status as a basis of discussion. I have emphasized, however, that an agreement for a period of years, at the end of which the Jews would still be a minority, had a fighting chance of acceptance among the Jews, and, as I was convinced, among the Arabs as well.

I may add that Mr. ben Gurion's statement which was given wide currency in many languages, including Arabic, was regarded as "a strongly worded challenge" and as "an outward ultimatum", and it was construed by the Arabs "into meaning a final rejection of any possible terms of negotiation or conciliation", and it was recorded in the Minute to which I have referred, "that the Arab Higher Committee could not in the light of this even accept the terms of the Hyamson-Newcombe document as the basis of discussion." "It seemed to undermine even this basis of discussion."

I have expressed the conviction to those with whom Ihave been meeting that Mr. ben Gurion's statement was not intended to "torpedo" the conversations that were going on or to disavow these efforts. Rightly or wrongly, however, his speech was so interpreted, at the time it appeared in the Hebrew, English and Arabic press. I consider certain expressions in Mr. ben Gurion's speech as most unfortunate and while doubtless not intended to make a preliminary meeting difficult or impossible they had that effect.

20. A further very patent reason which Mr. Shertok seems to have overlooked and that will help explain the differences in the attitude of the Arab leaders in October, November and early December, and their attitude later in December and in January, is the following:_

There were wide-spread newspaper rumours, which may also have given rise to Mr. ben Gurion's speech, that a strong party within the British Cabinet desired to "crystallize" the percentage of the Jewish population in Palestine. These rumours so far as I know still remain rumours. But they were followed by the despatch of Mr. Ormsby-Gore to the High Commissioner on January 4, 1938. This despatch was interpreted in Beyrouth as being not unfavourable to the Arab position.

21. Yet even after all this, there were "some influential Arabs" who wanted to make the attempt to convene the secret, unofficial, preliminary meeting proposed by Mr. Shertok.

To this end there was handed to me on January 12, 1938, as a suggested basis for discussion at a first meeting, the "Beyrouth text" (Appendix I, text 2) to which I have already referred.

Permit me again to cite the Minute which I have already quoted:-

"These changes Dr. Magnes promised to convey to Mr. Shertok, the secretary of the Jewish Agency (The head of the Political Department is meant - J.L.M.); but he pointed out that they seemed completely to alter the basis of the document, and from that point of view the changes were such that he felt the Jewish Agency could not agree."

22. Though the attempt to arrange a first meeting had thus broken down for the reasons I have given, I nevertheless sent to Mr. Shertok the letter which I have quoted above on page 5 (Appendix IX) and which suggested that -

(a) the Agency renew their willingness to meet with the Arabs, with the original Newcombe-Hyamson document as a basis for discussion, despite the Agency's lack of accord with provisions of this text, and/or

(b) the Agency prepare their own text, using the Hyamson-Newcombe document as a basis in some such way as was done by Arab leaders or by third parties acting for them.

23. This seems to have pained Mr. Shertok, and he asks how I could make such proposals to the Agency under the circumstances.

24. My answer is as follows:_

First, I have already stated (page 5 above) that the two gentlemen with whom I had been meeting thought our effort shouldnot be permitted to end.

25. Second, I think, as I am sure do many others, that it would strengthen the Agency's position to have it known that it was ready to meet for preliminary discussion, even upon the basis of a text with some of whose provisions the Agency was not in accord. If the Jewish Agency keeps reaffirming publicly its desire to meet with the Arabs and publicly points with pride to its past efforts "with an outstretched hand", it should be ready to meet on the basis of even a partially satisfactory text or to state its peace aims. I hold it to be a mark of strength and of conviction in the justice of one's cause, if one is ready to meet for discussion with one's opponents.

26. Third, the two gentlemen with whom I have been meeting were also canvassing the possibility of a meeting between the Jews and the Arabs, either upon the basis of no written text at all, or in order to record such points as Jews and Arabs were in agreement upon, leaving the disputed points for future consideration in the reverse order of their difficulty, that is, leaving immigration to the last. This took place between January 21st and 26th at the very time Mr. Shertok was penning his letter to me of January 25th, ascribing in the name of the Executive base motives to everyone concernedin this effort.

The Minute from which I have been quoting recites that it was stated to the Beyrouth Arab leadership, that -

"it would be of definite value to record together at a preliminary meeting for discussion between representatives of Arabs and representatives of Jews those points on which there was agreement concerning the situation and future of Palestine.

"The representatives might come together without any formal basis or on the basis put forward for discussion by Col.Newcombe." It was expressed as a "firm conviction that such a meeting would prepare the way for the dawn of a happier day in Palestine."

27. Fourth, if finally, the efforts to arrange for a first meeting upon some basis or other were to break down, I thought it would advance the informal discussion one small step further (perhaps it is only through slight advances that we can progress in this difficult matter) if the Agency were to consent to have done what the Arab leadership had consented to have done: on the one hand use as much as possible of the wording of the Hyamson-Newcombe text, andon the other hand make its own amendments and changes - conveying an indication, if you will, of the Agency's peace terms.

28. I might end this report here. But there is a further important step which I have taken and which I would like to describe.

Before doing this, however, I shall want to deal with a number of further points in Mr. Shertok's letters. I cannot answer all the inexactitudes his letters contain. I shall try to deal with a few of them.

29. Mr. Shertok's letter of January 25, 1938, contains the following:-

"In our first conversation on 19.XI.37 you handed me two texts of an agreement and said the two of them were brought to you by groups of Arabs ... At the second meeting on 22.XI.37 with Messrs.Ussishkin and ben Gurion you declared in answer to the question of Mr. ben Gurion, that, to be sure, the text had not been drafted by Arabs but by a Jew and an Englishman."

As a matter of fact, in my first conversation I told Mr. Shertok the text had been drafted by Messrs. Hyamson and Newcombe. This is indicated in Mr. Shertok's note to me of the same day (Appendix II). He asks:-

"Which side took the initiative in these talks - the Jewish, the Arab, or the English?"

How does he come to mention "the English" if I had not mentioned an Englishman as one of the authors of the text?

Moreover, Mr. Shertok told me that very day, November 19th. that he had received the same text from the Agency in London to whom it had been communicatedby Mr. Hyamson on November 4, 1937, but that he had not had time to go over it. In his letter to me of January 13, 1938 (Appendix IX) Mr. Shertok refers to his letter of Mr. Hyamson of November 4th.

30. Mr. Shertok's letters of December 13, and December 28, 1937, charge "the other side" with insincerity and with the sole desire of gaining illegitimate publicity which they could use with the public and with the British Government to the embarrassment and harm of the Jewish Agency.

I have been assuredfrom competent sources that not one single word has up to this moment appeared in the Arab press about the Hyamson-Newcombe document or about the Beyrouth document or about the conversations connected with these efforts. This fact in itself shows with what seriousness the Arab leadership has taken this whole effort. It is to be hoped that even Mr. Shertok and his informants now recognise that the articles in the Arab press that prompted his letters to me of December 13 and December 28, 1937, had nothing whatsoever to do with the action we are here concerned with.

31. Mr. Shertok' further says in his letter of December 28, 1937, "that the members of the Executive in Jerusalem with whom you have been in touch were not satisfied with the replies (to the questions about the Hyamson-Newcombe document contained in my letter of December 3rd - J.L.M.) they received from you. As is known to you from our letter of 6:12:37 the matter is not so, and Mr. Lourie properly calls Mr. Hyamson's attention to this in his letter of December 21."

But I wrote a second letter to Mr. Shertok under date of December 9, 1937, (Appendix V) in which I gave him further answers to the questions which had been put to me concerning the Hyamson-Newcombe text. Mr. Shertok never refers to the answers I gave in my letter of December 9, 1937. This was an indication to me that they were satisfactory. On December 13, 1937, he acknowledged to me receipt of this letter and made no reference whatsoever to my replies to these questions. On December 28th, however, he says that the answers in my letter of December 3rd were not satisfactory, without referring to my answers of December 9th. Between December 9th and his letter of December 28th which reached me on December 30th, three weeks of silence on his part, he permitted me to believe that my answers had been satisfactory and permitted me to carry on my efforts to arrange for a meeting with the Hyamson-Newdombetext as the basis for discussion.

32. Mr. Shertok's letter of December 28, 1937, says:-

> "From this extract (of an unconfirmed conversation in London - J.L.M.) you will see, first, that the other side was told, or that it received the impression, that the Jewish Agency had agreed in principle to Mr. Hyamson's proposals. You will know that such was never the case and this should have been known also to Mr. Hyamson."

The statement was never made to me nor was the impression conveyed nor did "the other side" receive "the impression that the Jewish Agency had agreed in principle to Mr. Hyamson's proposals". "The other side" knew, as I have already stated and proved by the Minutes I have quoted, that the Jewish Agency was not in accord with some points of the Hyamson-Newcombe document, but that, nevertheless, the Agency would regard this document as sufficient for a suggested basis for discussion, provided the Arab side also agreed to this.

33. But more startling is Mr. Shertok's statement in his letter of January 25, 1938 (Appendix X):-

> "As is known to you, we never accepted the Hyamson-Newcombe text as the basis for any negotiations wyatsoever."

This was not known to me. The contrary was known to me. The text was to serve as the basis for discussion.

If persisted in Mr. Shertok's statement would compel a reasonable man to draw the most damaging conclusions as to the political morality of the Jewish Agency.

Mr. Shertok also says in this letter that this text had not been accepted even as a basis for discussion. This is the only letter in which Mr. Shertok uses the term basis for discussion. There is throughout Mr. Shertok's letters confusion and looseness in the use of the terms "negotiations", "agreement", "basis of agreement", "basis for negotiations", "basis for discussion". If this text was not accepted by the Agency even as the basis of discussion, how then did Mr. Shertok expect to get the secret, unofficial, preliminary meeting he proposed?

His letter of January 25, 1938, is the first and only time such a statement was made. It does not appear in any other letter of Mr.Shertok nor was that statement ever made to me orally. I was permitted to believe that the Agency was ready to meet the Arabs with that text as a basis for discussion, in the manner I have described above.

No other basis for the meeting proposed by Mr. Shertok had been suggested to me by him. There was no other basis, and this was known to Mr. Shertok.

If this text has never been accepted even as a basis for discussion, why is it that from first to last this text was the subject of our letters and talks? It was the assumption on which everything else was based. Our original meetings, our whole correspondence, the authorisation thrice repeated, would otherwise be completely unintelligible.

The London text was subjected to searching scrutiny. In his letter of January 13, 1938 (Appendix IX) Mr. Shertok compares the London text in its minutest details with the Beyrouth text, and praises the London text.

The political secretary of the Agency in London, Mr. Lourie, in a letter to Mr. Hyamson proposed that paragraph 6 of the Hyamson-Newcombe text be amended to read "the maximum Jewish population ... Transjordan, shall not, within the period of this agreement, exceed 'etc.'". Mr. Lourie was therefore also given to understand that this text was to be taken seriously as a basis for discussion.

Mr. Shertok's letter of December 6th, says: "The important point" is not the meaning of this word or that paragraph of the text, but the convening of a meeting with the Arabs. In his letter of December 28th he says that "the important point" is not the interpretations that have been given to various expressions of the text, but the immigration paragraph of that text, concerning which Mr. Lourie made certain suggestions, as pointed out in the preceding paragraph.

Mr. Shertok contradicts himself in the very same letter of January 25, 1938. He says:-

> "The question of a meeting with these Arabs is no longer on the Agenda, not even upon the basis of the London text."

That means that such a meeting upon the basis of the London text was on the Agenda before January 25, 1938.

34. Mr. Shertok's letter of January 25, 1938, says further:-

> "nor did we express approval of any of its paragraphs."

But in his letter of 13, 1938, he says with reference to certain of the paragraphs:-

> "This change (in the immigration clause - JLM) together with other amendments completely alters the picture of the agreement which one had from the first draft (of the Hyamson-Newcombe text - JLM) that was handed to us and removes from it all those elements in which it might have been possible to see some advance on the Arab side towar an agreement with us. These elements were three: the recognition, even though only outwardly and with the lips, of the Jewish National Home; the extension of the framework of the agreement (that is Hyamson-Newcombe text - JLM) to Transjordan, with the possibility of Jewish settlement there; bringing Jewish immigration close to 50 per cent. of all the inhabitants in the course of a definite period".

He also regretted the elimination by the Beyrouth document of paragraph 9 of the Hyamson-Newcombe draft.

Moreover, in the conversation in Mr. Ussishkin's present on November 22, 1937, Mr. ben Gurion stated that the autonomy paragraphs (3 and 4) of the Hyamson-Newcombe draft marked an advance on what had been hitherto conceded by the Arab leaders.

35. Mr. Shertok says further in his letter of January 25, 1938:-

"We only sought to know if this text (Hyamson-Newcombe - JLM) was proposed to us by the Arabs or if, in any event, there were Arab circles of weight which approve of this text."

"We only thought to know". Is it possible that the move was in contemplation to make "the other side" believe through me that the Agency was ready to meet for discussion on that basis and in the event that the other side had declared their willingness so to meet then for the Agency calmly to announce that it had never accepted this as a basis of discussion at all?

Everyone observing the methods of politicians knows that they are ready all too often to disavow mediators and peacemakers. When preliminary feelers meet with obstacles, "strategic retreats" and jockeying for tactical position and political advantage are a time-worn custom. It comes hard, however, to realise that at such a critical hour we seem to be "like all the nations", making the end justify whatever means we think it necessary to employ.

36. I do not wish to criticise Mr. Shertok unduly. I have no heart for criticism at this moment when we face a turning point in the history of Palestine. I realise the difficulties which confront every leader of public opinion, and particularly those entrusted with responsibility for the Political Department of the Jewish Agency. I must, however, confess that I do not grasp Mr. Shertok's attitude. Perhaps he can make it clear to me. I am sure there are others here and elsewhere who would be equally perplexed if they had knowledge of this attitude.

I sincerely hope Mr. Shertok did not mean here what his words seem to indicate.

37 I come now to the further point of importance which I referred above. This point will, I think, prove that I was right in not letting the effort I was making come to an end because of Mr. Shertok's intemperate letter of January 25, 1938.

38. Together with the two gentlemen I have mentioned several times, I had a long talk with a prominent non-Palestinian Arab on February 6th, 1938.

The upshot of this talk was that this Arab said that he was prepared to emphasise to the Arab leadership the distinction between a text drafted as "a suggested basis for discussion" whose purpose it is only to bring about a first meeting and the text of a formal agreement which is arrived at only after discussions are once begun.

He was prepared also to advocate the following modifications in the Hyamson-Newcombe draft as amended by Beyrouth, provided he could know that the Jewish Agency were in accord, or provided the Jewish Agency were to make proposals of its own with which he found himself in accord (Appendix I, Text 3) .

Para (1) For the eliminated words " ... provided that the League ..." to substitute the words " ... in accordance with the procedure adopted by the League for other Mandated territories such as Iraq and Syria."

Para (2) The retention of the word "nationality" so that this paragraph would remain as it was in the original draft.

Para (3) The same as in the Original draft.

Para (4) The same as in the original draft, with the elimination of the words "a Jewish National Home ... provided";

Whereas paras 2, 3, 4, and 5 provide in substance for a Jewish National Home, this contentious phrase itself and all others should be avoided in drafting a possible basis for the first discussion.

Para (5) The word "district" to be re-instated, so that the paragraph would remain as it was in the original draft.

Para (6) and Para (9) to be combined to read as follows:_

"The maximum Jewish population of Palestine shall be X per cent. until there be a further agreement between the two peoples."

Transjordan not to be included, because the Palestine Arabs have nothing to do with Transjordan. It is believed by the gentlemen who proposed the above formulation that if an agreement is achieved in Palestine, not only would Transjordan come within the sphere of Jewish settlement, but other Arab lands as well.

Para (7) Both the words "watched over" and "guaranteed" to be used, so that the paragraph remains substantially as it was in the original draft.

Para (8) "The legitimate interests of Great Britain shall be safeguarded" is doubtless a better formulation than that of the original draft.

The situation would therefore be that seven of the nine paragraphs of the Hyamson-Newcombe text remain the same or largely as they were in the original draft, and that as to the crucial paragraphs 6 and 9 the situation would be as follows:_

(a) As to immigration, no figure is used in order that the chief obstacle to the first meeting might be removed. Both sides were then left free to bring forward whatever immigration figures they chose.

(b) The idea of an agreement on immigration for a limited period is envisaged, although vaguely and in unsatisfactory terms.

39. I am aware of many objections to these further proposals as thus formulated. A better formulation can, I am convinced be found through a direct exchange of views or through intermediaries, if there be the will. The important point is that the above formulation indicates a serious attempt on the part of one important factor to bring the discussion another step forward.

In my opinion, the search for a formula that would enable the calling of the first preliminary meeting should be continued in every possible way and, I cannit repeat too often, with good will. The formulation should not be sought if it is tinctured with a desire to achieve merely a tactical victory. It should not be sought if it is merely an effort to gauge the temper of the other side in this conflict. It should only be sought if the Jewish Agency has an honest desire to sit down and to discuss terms.

It is the more necessary to try to meet with the Arabs, seeing that the resolution to this end adopted by the Agency at Zurich in 1937 seems to have met some strange end about which the public, so far as I am aware, has not been informed.

40. It may be that an agreement can be arrived at with the Palestine Arabs other than those represented by the former Arab Higher Committee, I, for one, do not know who such Arabs are. If we are to make peace, it must be with those of our opponents who have influence and power. But if an agreement is to be come to with the Beyrouth Arab leadership it would seem to be clear that in questions of immigration and land sales they are looking for some kind of "authorisation" from an Arab Congress or the Arab Kings, i.e. the neighbouring Arab States.

Even in the Beyrouth version of the Hyamson-Newcombe proposals two facts stand out - (1) that members of the former Arab Higher Committee were ready to meet with the Jewish Agency, a fact of no mean importance; and (2) that conversations on immigration and land sales were envisaged if proper "authorisation" for this is given them from without.

It would therefore seem to be part of wisdom for the Jewish Agency to take the initiative and endeavour to bring about this "authorisation" to these leaders of the Palestine Arabs. The Jewish Agency should, so I think, take the initiative because, if such an "authorisation" is to be useful, it should be such as would bring about results which the Jews also could accept.

41. At so critical a juncture in our affairs I think it the duty of everyone of us to offer to be of service in every possible way, and I hope it may be possible for me to meet with the Executive and to be of further service to it. Any further questions that may be put to me I shall be only too glad to answer, if I can.

Yours truly,

(sgd) J.L.Magnes

Jerusalem, February 21, 1938.

I am attaching for your information a schedule of the population of Palestine during ten years on the assumption that an agreement could be made in accordance with which the Jews would form no more than 40 per cent. of the total population at the end of that period (Appendix XI).

APPENDIX I

SUGGESTED BASIS FOR DISCUSSION BETWEEN JEWISH AND ARAB REPRESENTATIVES

I. The Original Hyamson-Newcombe Draft

1. A sovereign independent Palestinian State to be created on 1st January..... provided that the League of Nations certifies that the population of Palestine is then fit for self-Government.
2. Every Palestinian independent of race, religion and nationality shall have equal and complete political and civil rights.
3. In the meanwhile Gt.Britain shall continue to be responsible for the Government of the Country, the Palestine Government giving members of the population, Arabs and Jews, an ever-increasing share in the administration.
4. Complete autonomy shall be granted to all communities in communal matters in the widest sense as soon as possible, provided that no community has jurisdiction over members of another community in those matters. A Jewish National Home but not a Jewish State would thereby be provided.
5. Complete municipal autonomy should be granted as soon as possible to all-Jewish and all-Arab towns, villages and districts.
6. The maximum Jewish population of Palestine and later of Transjordan shall not exceed an agreed figure which shall be less than 50% of the total population.
7. The interests of the different communities of Palestine after the creation of the independent State shall be watched over by the British Government.
8. Great Britain shall retain special rights at Haifa.
9. This agreement shall hold for a term of.....years from.....and shall be renewable.

October 9th, 1937.

II. HYAMSON-NEWCOMBE DRAFT AS AMENDED BY BEYROUTH

1. A sovereign independent Palestinian State to be created on 1st January....
2. Every Palestinian independent of race and religion shall have equal and complete political and civil rights.
3. In the meanwhile Gt.Britain shall continue to be responsible for the Government of the Country, the Palestine Government giving members of the population,Arab and Jews, an ever-increasing share in the administration.
4. Complete autonomy shall be granted to all communities in communal matters in the widest sense as soon as possible, provided that no community has jurisdiction over members of another community in those matters.
5. Complete municipal autonomy should be granted as soon as possible to all-Jewish and all-Arab towns and villages.
6. The maximum Jewish population of Palestine should be the present population. All Jews in Palestine on 1st.....shall be entitled to apply for and receive Palestinian citizenship. During the interim period envisaged, the Arab leaders have not been authorized by Congress or by the Arab Kings to agree either to further Jewish immigration or to further land sales.
7. The interests of the different communities of Palestine after the creation of the independent State shall be guaranteed by the British Government.
8. The legitimate interests of Gt.Britain shall be safeguarded.

January 12th, 1938.

III. HYAMSON-NEWCOMBE DRAFT AS AMENDED BY PROMINENT NON-PALESTINE ARAB

1. A sovereign independent Palestinian State to be created on 1st January..... in accordance with the procedure adopted by the League for other Mandated Territories such as Iraq and Syria.
2. Every Palestinian independent of race, religion and nationality shall have equal and complete political and civil rights.
3. In the meanwhile Gt.Britain shall continue to be responsible for the Government of the Country, the Pal.Government giving members of the population,Arab and Jews, an ever-increasing share in the administration.
4. Complete autonomy shall be granted to all communities in communal matters in the widest sense as soon as possible, provided that no community has jurisdiction over members of another community in those matters.
5. Complete municipal autonomy should be granted as soon as possible to all-Jewish and all-Arab towns, villages and districts.
6. The maximum Jewish population of Palestine shall be X% until there be a further agreement between the two peoples.
7. The interests of the different communities of Palestine after the creation of the independent State shall be watched over and guaranteed by the British Government.
8. The legitimate interests of Gt.Britain shall be safeguarded.

February 6, 1938.

APPENDIX II

TRANSLATION

Jerusalem, November 19, 1937.

Dear Dr. Magnes,

Permit me to put two further questions to you in addition to those I asked you orally:-

(a) Did the other side mention a number of years which could give an idea of what they had in mind as to the period of the agreement or as to the date mentioned in Clause I ?

(b) Which side took the initiative in these talks - the Jewish, the Arab or the English.

(x)

Pardon me troubling you on Shabbath, but the matter is important for hastening the clarification of the matter. If not convenient to you to write, please telephone.

Sincerely,

(sgd) M.Shertok

(x) It is necessary to add that I handed Mr. Shertok a second document containing points recording the results of other talks - J.L.M.)

19:11:37

My answer over the telephone was as follows:_

1. I have always spoken of 10 to 15 years. Some have agreed, some thought this too long, but there has never been great opposition.

2. As to the longer document (Hyamson-Newcombe) that is the result of conversations begun last summer. It is difficult for me to say who began the conversations. But the present formulation is of recent date.

3. As to the shorter document, the initiative was taken by the other side.

APPENDIX III

Jerusalem, December 3, 1937.

Mr. M. Shertok,
Jewish Agency,
Jerusalem.

Dear Mr. Shertok,

I am writing in English because my correspondence with London is in English. Perhaps it would be as well if you could address your reply to me in English, so that I might send a copy of it to London.

I wrote to London the day of our meeting at Mr. Ussishkin's office together with Messrs. Ussishkin and ben-Gurion.

I received an answer yesterday, under date of November 27th, as follows:-

1. Question: Is the "suggested basis for discussion between Jewish and Arab representatives" a basis to which some influential Arabs have agreed?

   Answer: Yes.

2. Question: Who are these Arabs?

   Answer: Members of the suppressed Arab Higher Committee, including the Mufti and Jemal Husseini, are, it is said, willing to accept the plan as a basis of discussion. These names may be given in confidence, but Mr. Shertok and the others should be asked to be careful they are not published.

3. Question: Are the dates in paragraphs "a" and "i" necessarily the same and which date would have to be fixed first?

   Answer: The two dates should not be identical. The question as to which date should be settled first might be settled by the two parties if they meet.

4. Question: Is the maximum Jewish population to be fixed for all time or only for the period of the agreement? Mr. Ussishkin thought the procedure might be to have an agreed schedule over the period of the agreement, based upon the economic absorptive capacity of the country, it being understood that these figures will not bring the maximum Jewish population beyond the agreed percentage.

   Answer: For the period of the agreement. Mr. Ussishkin's suggestion is excellent.

5. Question: It is stated that a "Jewish National Home but not a Jewish State would thereby be provided". Does this mean that an Arab State would thereby be provided? If not, why is this mentioned at all?

   Answer: It means a bi-national State, neither a Jewish State nor an Arab State. The sentence is put in in order to show that the Arabs are ready to recognize the idea of the Jewish National Home.

Sincerely yours,

(sgd) M.L. Magnes.

APPENDIX IV

Translation

Jerusalem, December 6, 1937

Dr. J.L.Magnes,
Jerusalem.

PRIVATE AND CONFIDENTIAL

Dear Dr. Magnes,

I received your letter of December 3, 1937, which purposes to answer the questions we put to you at our meeting in Mr. Ussishkin's office on 22:11:37.

As you see, I cannot adopt your suggestion to answer your letter in English and just for the very reason you propose this: so that you can send a copy of my letter to those with whom you are in correspondence in London. I assume that not all of them are known to me. Among those who are there is at least one name in which I cannot have complete confidence. Under the circumstances, I cannot agree that a letter signed by me serve as a document in the hands of some one, for purposes which are not sufficiently clear to me.

My letter is therefore private and sent to you alone. But you are free to communicate its contents to those with whom you are in touch in London.

I must say that the questions which we put to you were not formulated in your letter to London with complete exactitude. As to the two open dates (Question 3 of your letter) we did not mean to ask which of these two should be fixed first, but which of these two dates was actually the prior and which the later. There is something inexact also in the formulation of Mr. Ussishkin's suggestion in relation to immigration. Mr. Ussishkin said nothing about an agreed percentage of immigration, but rather about definite figures that would express our idea of economic absorptive capacity. But the most serious inexactitude is to be found in the cardinal question we put to you as to the nature of the independent state whose creation the text of the agreement makes obligatory (Question 5). The purpose of our question was not merely to have the correct interpretation of this clause - whether this intended state was to be Arab or not - but rather if the other side, which, according to your statement, accepts the text of the agreement as a basis for negotiations, would agree that it be expressly recorded that the state to be established in Palestine should not be an Arab State or - taking Mr. Ussishkin's suggestion - they would agree to delete the words "and not a Jewish State".

It is not the purpose of this letter again toplace before you the correct formulation of our questions and to ask you kindly to get the answers. First, this would be apt to drag out unnecessarily the preliminary clarification between us. Second, and this is the main point, we doubt the practical value of elucidating this. It is clear to us that the answers given to our questions from London are those of the Jewish-English group that drafted the text of the agreement and not the answers of the Arabs who, according to the statement of this group, are prepared to accept the text as a basis for negotiations. Your letter was sent to London on November 22, 1937, and the answer bore the date of the 27th. There was therefore not sufficient time for those who answered the letter to get in touch with any of the members of the former Arab Higher Committee before sending their reply. These answers are therefore the opinion of the intermediaries and do not express the attitude of the other side.

(Appendix IV)

The whole consent of the Arabs of the circle mentioned in your letter to the proposed agreement is really brought into question by the wording of the answer to Question 2. In accordance with this wording it transpires that even the members of the English-Jewish group in London are not completely certain of the agreement of the Arabs, but report this from rumour or, in any event, at second or third hand.

Under the circumstances, we think that the only way to bring out the facts as they are used to arrive at real negotiations, in case such are possible, is to arrange a meeting between us and the Arabs who may be ready for negotiations. If you can propose such a meeting with Arabs of appropriate status, I herewith inform you that we are ready for that. It is self-understood that the first meeting should be only an unofficial meeting for the purpose of clarification, upon whose results it would be possible to determine if there be room for negotiations or not. For our part, we can promise not to give any publicity to this meeting, either before or after it is held, except that the two sides agree to this.

I therefore propose to you to find out if a meeting is possible, and to inform us as soon as possible.

Yours sincerely,

(sgd) M.Shertok

APPENDIX V

Jerusalem, December 9, 1937.

M.Shertok Esq.,
The Jewish Agency,
Jerusalem.

Dear Mr. Shertok,

I receivedyour letter of December 6th yesterday.

I am taking steps to find out if a preliminary conference of the kindyou mention can take place.

Enclosed please find a copy of an abstract of your letter such as I am sending to London.

On your comments upon the questions and answers, as formulated in my letter of December 3rd, permit me to say:-

Question 3: The answer was in two parts: (a) that the two dates are not identical; and (b) that the question as to which date is to come first should be determined through negotiation.

I think that answers your comment, if I understand it.

Question 4: My use of the word "schedule" indicates that I understood Mr. Ussishkin just as you did. The word "schedule" in its accepted sense here, means - so I understand - that definite figures are to be worked out for the half-yearly or yearly Jewish immigration. I understood Mr. Ussishkin also to mean that these figures, when added up for the period of the agreement, will not bring the maximum Jewish population beyond an agreed percentage.

(Appendix V)

Question 5: As I understand it, your formulation would be:-
Do the Arabs agree that it should be specifically stated that the sovereign independent Palestinian state to be created would not be an Arab state or a Jewish state: or would they agree that the words in the formulation as presented "but not a Jewish state" can be stricken out?

I shall send this formulation of the question to London and request an answer.

I shall send to London also a copy of my present letter to you.

Sincerely yours,

(sgd) J.L.Magnes.

December 9, 1937.

I have received an answer from Mr. Shertok , under date of December 6th, to my letter of December 3rd.

Mr. Shertok's letter is in Hebrew and is marked "Private and Confidential".

Mr. Shertok says that his letter is intended for me alone but that I am at liberty to communicate its contents to such persons as I am in touch with in London.

The important part of his letter is a declaration that in the opinion of the Agency Executive the only way to arrive at a clarification of the facts and of the possibility of negotiations - provided that such are at all possible - is that there be a meeting between them and appropriate Arabs who are ready for such negotiations. They declare that if a meeting with Arabs of appropriate standing can be arranged, they are ready for that.

The first meeting would, of course, be unofficial and solely for the purpose of determining if there is hope for the success of real negotiations or not.

On behalf of the Agency, they can undertake not to give any publicity to this meeting, either before it takes place or afterwards, except that both sides agree to any statement that is to be made.

An answer to this Is requested at the earliest possible moment.

J.L.Magnes

APPENDIX VI

Jerusalem, December 13, 1937.

CONFIDENTIAL

Dear Dr. Magnes,

I received your letter to me of December 9th and the attached copy of your letter to London of the same date, and I thank you for both.

Meanwhile, you surely have seen all that has appeared in "Falastin" the past several days and copied by other papers about "negotiations". This publicity makes an impression that the purpose of the Arab side, and maybe also other sides, is not to arrive at real negotiations which might result in prospects of a Jewish-Arab peace, but rather to create an impression of the possibility of such negotiations in order to defeat the idea of the Jewish State.

If this impression be correct, one must regard the publicity given the matter as an intentional and deliberate step taken by the Arab side. But even if this impression be not correct, the fact of the publicity is testimony that the matter is not being kept secret by the Arabs but is being used as publicity material.

That the matter is not being kept secret by the other side is shown by the note attached to this letter. This note contains what one of my assistants heard from one of our Arab informants. The author of this note knew nothing of the whole affair until he heardthe account of it from his informant.

I shall not deny that all these things are calculated only to increase our doubts as to the sincereity of the "peace proposal" communicated to us and our suspicions that this is only a menoeuvre with a negative aim - the defeat of the State idea - and not with the positive aim of Jewish-Arab peace.

In any event, if it becomes clear that there is the possibility of a meeting face to face such as I proposed in my previous letter, we shall have to make the prior condition that the meeting be kept secret by the other side. In my previous letter I contented myself with the statement that we, for our part, would keep the matter secret, thinking that the other side would naturally be interested in not having it made public. The facts of these last days, however, have completely upset this assumption. On the contrary, it seems as though the other side were interested only in publicity and not in real results. It must therefore be clear, that if we do not have sufficient assurance that the other side would keep its word concerning the secrecy of the meeting, it is doubtful if the meeting can take place.

Sincerely yours,

(sgd) M.Shertok

(Appendix VI)

(Note by Dr. Magnes: As far as the following concerns me, it has not one word of truth. J.L.M.)

TALK WITH "OVED" - 8:12:37

Oved tells of a gathering of Husseinis which took place on Shabbath last (4:12:37) in the house of an Arab notable in Jerusalem (Sheikh K.A.M.) at which Dr. I. Tannous told of the negotiations that were allegedly being carried on between Jewish and Arab leaders for a Jewish-Arab understanding.

I.T. said at that gathering that there were Jews ready to accept the solution proposed by Herbert Samuel for the permanent fixation of the percentage of Jewish population in a bi-national Palestine, in which the political and economic rights of the Jews were to be guaranteed. On the other hand there were Arabs who were ready to negotiate for this agreement, if only to save the country from the danger of partition.

On another occasion Dr. T. has said that there were Arabs, and of the extremist wing of the movement, who were ready to go a long distance in this direction and to give the Jews 42 - 45 per cent. of the population of all Palestine, provided it were clear to the Jews that this percentage was never to be broken through and that there would always be an Arab majority in the country, no matter how small. As to natural increase, which is greater among the Arabs than among the Jews, the Arabs would be ready each year or two to consider figures and to permit an additional Jewish immigration to cover the deficit, thus caused from time to time in the fixed Jewish population quota.

Thus Dr. I. Y.

"Oved" continued looking into this, and he reports the following details:-

Dr. I.T. is conducting the negotiations for the Arabs. He is in close touch with the Mufti and Jamal Husseini in Beyrouth and he informs them of everything that happens in the course of the negotiations. On the Jewish side there are University people and American non-Zionists. "Oved" heard the names of Dr. Magnes and Dr. Hexter. A number of meetings had taken place between the two sides, one of them presumably in Cairo. Dr.I.T. is constantly on the move between London, Cairo, Beyrouth and Jerusalem. In London he had consulted Dr. Stahlbander, Adil Arslan and George Antonius. In Cairo he had spoken to Auni Abd el Hadi. After that he had visited the Mufti in Beyrouth and he had now come to Jerusalem. He had been to see the High Commissioner and had told him of the negotiations.

According to "Oved" these rumours had aroused the appetites of a number of Arab personalities who had expressed their desire to participate in the negotiations. The names of Nuri Said and of Shekib Arslan had been mentioned.

"Oved" says that Dr.I.T. was asked why just the American Jews had to be busy in this affair. His answer was that these Americans were very rich and much of their wealth had been invested in Palestine. They feared lest if a Jewish state be established the Government would fall into labour hands and their wealth confiscated.

A.H.C. 9:12:37

APPENDIX VII

Jerusalem, December 28, 1937.

Dear Dr. Magnes,

I wish to inform you of developments in the matter that has served as the subject of meetings and an exchange of letters between us.

Parellel to the answers you gave to our questions here, Mr.Hyamson sent answers to the same questions to our Political Secretary in London, Mr. Lourie. I assume that you have read a copy of the letter of Mr. Hyamson to Mr. Lourie dated December 20th. I was astonished to see that Mr. Hyamson writes that the members of the Executive in Jerusalem with whom youhave been in touch in Jerusalem were satisfied with the replies they received from you. As is known to you from our letter of December 6th, 1937, the matter is not so and Mr. Lourie properly called Mr. Hyamson's attention to this in his letter to him of December 21st. As to the further details of the letter, insofar as it is not a repetition of the answers received from you, it seems to me that Mr. Hyamson is somewhat too hasty in talking about the details of the place of meeting, its secretaries and its chairman. First of all, it must become clear if the meeting itself can take place at all and at present it is premature to talk about its sessions.

Within the next few days we shall have a conference inth is matter.

Meanwhile, I must say that the more we hear of this chapter of negotiations and the proposals involved in it, the less I believe in the sincerity of the other side and in their readiness for an agreement. I enclose an extract of the Minute of a conversation between Mr. M. Husseini now in London andMr. Bakstansky, Secretary of the English Zionist Federation . From this extract you will be convinced, first, that the impression was conveyed to the other side or the other side received the impression that the Jewish Agency had given its assent in principle to the proposals of Mr. Hyamson. You will know that that never was so, and this should have been known to Mr. Hyamson as well. Second, and this is the important point, Husseini declares explicitly that his friends would under no circumstances be able to agree to the volume of Jewish immigration mentioned in the text of the agreement of Mr. Hyamson andthat this would have to remain at 35 per cent. or somewhat more during the period of the agreement. Third, it is not to be gathered from Mr. Husseini's words that even apart from this serious difference in the matter of immigration, there is Arab consent on the text of Mr. Hyamson's agreement. On the contrary Husseini speaks of a far-reaching proposal as to an Arab Federation,which is not mentioned in the agreement handed to us.

I communicate these things to you for your information.

Sincerely yours,

(sgd) M.Shertok.

STRICTLY CONFIDENTIAL

2nd January, 1938.

EXTRACT OF MINUTE OF INTERVIEW WITH MR. MOUSA HUSSEINI, 14:12:37

I met Mr. Husseini on several occasions during the past 18 months, at meetings on Palestine. A few months ago he told me that he wanted to meet me in order to discuss the possibility of peaceful negotiations, and he hinted that he was in touch with a number of leading non-Zionists in this country and that he was rather hopeful that something might be done. He telephoned me yesterday afternoon and suggested that we might meet, and it was in these circumstances that he came to see me yesterday at 5 p.m.

(Appendix VII)

Mr. Husseini began by stating that he had heard from Col.Newcombe, who told him on behalf of Mr. Hyamson, that the Jewish Agency in Palestine have in principle agreed to the Hyamson proposals, although they have addressed a number of questions to Mr. Hyamson, especially in regard to the title of the future Palestinian entity. Mr. Husseini said that both Colonel Newcombe and he decided that the information conveyed by Mr. Hyamson was so important that a special letter had been sent last Saturday to the Mufti to advise him of this development.

He went on to suggest, however, that at least in two respects he did not agree with the Hyamson memorandum and would prefer to rely upon Dr. Magnes' proposals (x):-

(a) That the Palestinian entity should be an independent State, subject to an agreement with Great Britain, similar to that of Iraq, but neither a British Mandate nor a Dominion; that the Palestinian State should form part of a larger Arab Confederation.

(b) That whilst Mr. Hyamson's proposal envisaged the proportion of Jews in Palestine as under 50 per cent. of the Arabs, he and his friends could not, at any rate for the moment, agree to very much above 35 per cent.; ten or fifteen years hence, when Arab-Jewish relations improved, it should not be difficult to consider a higher percentage of Jews in Palestine, but they must never form a majority in the country, nor even approximate to parity.

(x) My proposals have almost invariably been: At the end of ten years a Jewish population of 40 per cent. of the total population. I have had many talks with Mr. Husseini. (J.L.M.)

APPENDIX VIII

Translation

Jerusalem, December 30,1937.

Dear Mr. Shertok,

I have just had your letter of 28:12:37.

You mention a Minute of a talk in London, but I did not find it in your letter.

I hope that you may hear from me in the course of the next week.

May I add that I am responsible only for such things as come direct from me - not for Mr. Hyamson's letters and not for anything else.

Sincerely,

(sgd) J.L.Magnes.

APPENDIX IX

Translation

January 13, 1938.

Dear Dr. Magnes,

I am to answer the question that was left open at our talk yesterday, But before giving you the answer, I feel the need, in view of the seriousness of the matter, to record in writing the essence of what I heard from you yesterday.

I learned from you that as a result of the direct contact which you had latterly with the other side - a group of Arabs in Jerusalem in touch with the Palestine Arab group now in Beyrouth - that it became clear to you that what was communicated by Mr. Hyamson to our Executive in London in his letter of November 4, 1937, as to the readiness of the leaders of the former Arab Higher Committee, to negotiate with us on the basis laid down in his letter, does not correspond with reality in fundamental points. From the talk you had with these Arabs it became clear that Col.Newcombe, who had been acting in this matter, together with Mr. Hyamson, had exceeded the authorisation given him by the Arabs and had introduced into the text of the agreement which had been proposed as though it had the consent of the Arab side, paragraphs and conditions to which that side had not consented.

The Arabs with whom you had talked had informed you that the text of the agreement which had been handed us as a document which their side had agreed to, was to be regarded only as having come from a third party, and that it was not agreeable to them that in the unofficial negotiations now going on through your mediation, there appears any document whatever from their side.

At the same time, they asked you to find out my private opinion as to whether there were any chances of a Jewish-Arab agreement in case there should serve as a basis of the negotiations the text of the agreement handed to us by Mr. Hyamson in London and by you in Jerusalem, but with the following amendments and changes:-

In para (1) which speaks of creating an independent state in Palestine at a given date (the date was left open) there be deleted the words: "provided that the League of Nations certifies that the population of Palestine is then fit for self-government".

In para (2) which provides that every Palestinian independent of race, religion and nationality, shall have equal and complete political and civil rights, the word "nationality" to be deleted, so that it would read "independent of race and religion".

In para (4) which provides for autonomy to all communities in communall matters in Palestine, there be deleted the last passage: "A Jewish National Home but not a Jewish State would thereby be provided."

In para (5) which provides for municipal autonomy to all-Jewish andall-Arab towns, villages and districts, the word "district" was questioned, the Arabs regarding this as superfluous.

Para (6) which says that the maximum Jewish population of Palestine shall not exceed an agreed figure, which shall be less than 50 per cent. of the total population, is cancelled. In its stead there is a new formulation which affirms first, that the maximum Jewish population of Palestine should be the present population; second that all Jews in Palestine on 1st . . . . . shall be entitled to apply for and receive Palestinian citizenship; third, that during the interim period envisaged the Arab leaders have not been authorized by Congress or by the Arab Kings to agree either to further Jewish immigration or to further land sales.

(Appendix IX)

In answer to my question as to the meaning of the term "interim period" you said that this term may be interpreted in two ways, and that it might refer, either to the period that would elapse until the creation of the independent state, or to the period of the agreement. The exact meaning of this term was to be determined in the course of the negotiations.

In answer to my question as to the meaning of the term "Congress" you said that it was possible that it referred to the Bludan Congress.

In para (7) which provides for assurances to the different communities of Palestine after the creation of the independent state, this amendment is introduced:- In place of "The British Government shall watch over the interests of the communities" it is said that the British Government and/or the League of Nations shall guarantee the interests of the communities, etc.

In para (8) which provides for special rights for Great Britain in Haifa this is formulated thus:- "The legitimate interests of Great Britain shall be safeguarded."

Para (9) which mentions the term of years of the agreement (the term of years is left open in the proposed text of the agreement) is cancelled.

As to these amendments, I remarked that the crucial point was the elimination of para. 6 bearing upon the measure of immigration, and putting an entirely new paragraph in its place. This change together with other amendments completely alters the picture of the agreement which one had from the first draft that was handed to us, and removes from it all these elements in which it might have been possible to see some advance on the Arab side towards an agreement with us. These elements were three: the recognition, even though only through lip service and outwardly, of the Jewish National Home; the extension of the frame work of the agreement to Transjordan, with the possibility of Jewish settlement there; bringing Jewish immigration up to close to cl 50 per cent. of all the inhabitants in the course of a definite period.

You agreed that all three of these are nullified by the basis which the Arabs propose. You told me that you tried to get a clear conception of what the other side had in mind as to future Jewish immigration and that only one of those with whom you talked agreed that it might be possible to speak of cincreasing the percentage of Jewish population but only up to 35 per cent.

I further declared that the cancelling of para. 9 meant that there was no intention of having an agreement for a specified period that might be cancelled, amended or renewed after it expires, but rather a permanent agreement for all time. This is to be inferred from the fact that the expression "interim period" which appears in the new formulation of para. 6 can be understood as referring only to the period which transpires until the creation of the State. To this you answered that according to the intentions of the Arabs, even though para.9 was dropped, it might be possible to interprete this term as meaning the duration of the agreement, and that accordingly the assumption that the agreement would be temporary was not entirely excluded.

After this exchange of views I gave you a definite negative answer to the first question I was asked, if, in my private opinion, there was any chance of reaching a Jewish-Arab agreement upon this basis. I told you that I saw no such chance. I understood from you that you also had expressed a similar opinion to the Arabs who met with you.

(Appendix IX)

I was asked further, if the Jewish Agency would be ready to meet the Arab leaders after the Agency knew that their attitude towards the possibilities of an agreement was in accordance with the formulation in the amended draft.

To this question, I herewith give the following answer:_

The Jewish Agency rejects the text of the other side as the basis for negotiations and declares that it will not enter into any consideration of it. If the other side wishes a meeting with the Agency after it knows that this is the Agency's attitude, the Agency is ready for a meeting. In relation to this meeting all of the conditions are to remain in force as given in my letter to you of December 6, 1937.

I am sure that you will without delay communicate to me the answer of the other side to our declaration.

I shall thank you greatly if you will confirm to me the receipt of this letter.

Sincerely yours,

(sgd) M.Shertok

(Mr.Shertok's recollection of a number of points in the above letter is not exact. J.L.Magnes).

TRANSLATION

January 14, 1938.

Dear Mr. Shertok,

At the meeting yesterday I received the declaration that there were chances of a meeting only if their text served as the basis of discussion.

Nevertheless we agreed to meet again next Thursday (January 20th) upon my return from Nathanya.

In my opinion it would be worth while to consider the possibility of a further answer from you. Perhaps, in this sense, that you repeat the readiness of the Agency to meet upon the basis of the London text asa basis for discussion, despite the provisions which do not satisfy the Agency.

And then, if this be possible, to prepare a text giving expression to the attitude of the Agency towards all the provisions of the text prepared by them.

Sincerely,

(sgd) J.L.Magnes.

(APPENDIX X)

Translation

Jerusalem, January 25, 1938.

Dear Dr.Magnes,

I regard your letter to me as an acknowledgement of the receipt of my letter to you of 13:1:38 and as an answer to it.

I had already 'phoned you on 20:1:38 that I really have nothing to add to the answer I gave you in my previous letter. After the statement of the Arabs that they see chances of a meeting only if their text serves as a basis for discussion - the text which says that the maximum Jewish population in Palestine is to be the present Jewish population in Palestine - I regard the matter under consideration between us during recent weeks concerning the possibilities of negotiations between us and the Arabs as liquidated.

At the same time permit me to express astonishment that you have found it possible again to propose to us a meeting with the Arabs, after it has become clear to you that they take up without budging a position which we absolutely reject and refuse to consider. I also find your proposal difficult that we express our readiness to meet upon the basis of the London text as a basis for discussion, plus notations from us as to the amendments and changes introduced into this text by the Arabs. As is known to you, we never accepted the Hyamson-Newcombe text as the basis for any negotiations whatsoever, nor did we express our approval of any of its paragraphs. We only sought to know if this text was proposed to us by the Arabs, or if, in any event, there were Arab circles of weight which approve of this text. In order to clarify this, we proposed to you and to Mr.Hyamson in London a series of questions. To these questions we received answers that did not satisfy us and then we proposed finding out if there was a possibility of a direct meeting with these Arabs for the purpose of a preliminary clarification between us.

After your statement in my last talk with you on 12:1:38 that the Arabs declare that the London text does not bind them and they do not acknowledge it at all, this document has altogether ceased to interest us. A proposal drafted by two private individuals in London, even though one of them be a Jew and the other an Englishman, and supported by a private individual in Jerusalem, even though he be a respected Jew, does not under any circumstances constitute a document which the official representatives of the Jewish people are bound to consider or even to note the existence of. From the moment that it became clear that no Arabs were behind this document, it ceased to exist for us from the political point of view. And thus from the moment that it became clear that the Arabs with whom the talks were conducted stand without concession upon a basis that cannot at all be taken into account by us, the question of a meeting with these Arabs is no longer on the agenda, not even upon the basis of the London text.

To meet with these Arabs after their clear and repeated declaration that they are ready for a meeting only upon a basis intended to put an end to the growth of the Jewish Yishub, would be to give them ground for declaring publicly or for informing the British Government that the Jewish Agency does not deny in advance and absolutely the possibility of a basis for negotiations such as this. No reservations and accompanying declarations with which we might surround the expression of our readiness to meet with these Arabs would prevent them from spreading abroad this dangerous slander as to our position.

(Appendix X)

Therefore, the proposal brought to us this time by Mr. Hyamson in London and by you in Jerusalem to come into touch with a certain Arab group, has been dropped from our agenda. But there remain in this chapter matters which require an inner clarification between us. As I informed you previously on the telephone, I brought the concatenation of events before the meeting of the Agency Executive, and in accordance with a resolution of the Executive, I am to place before you several questions.

In our first conversation on 19:11:37 you handed me two texts of an agreement and said that the two of them were brought to you by groups of Arabs, each by a different group, and that the difference between them was not only in their content but also in the manner of their drafting. Whereas one of the proposals, the shorter of the two, is only a formulation on general lines, the second, the longer, was drafted with care and much deliberation, each word having its place as a brick in a structure that is not to be moved. At the same time you gave me for my private ear the names of the Arabs who were behind this draft. At the second meeting on 22:11:37 with Messrs. Ussishkin and ben-Gurion, you declared in answer to the question of Mr. ben-Gurion, that to be sure the text had not been drafted by Arabs but by a Jew and an Englishman, but you emphasized again the consent to it of an important Arab group, the names of some of whose members you had already given me. At that meeting a number of questions were put to you for clarification without expressing any consent on our part to the proposed text itself as the basis for negotiations. To these questions you gave me an answer in writing on 3:12:37. To our first question if an Arab group of influence had expressed its approval of the proposed text of an agreement, the brief and clear answer was given: Yes. These statements and answers you gave with complete certainty, although you saw that we were inquiring and interrogating and that our attitude was one of much scepticism with relation to your and Mr. Hyamson's certain assumptions, that Arabs of a certain group would agree even to the basis of the agreement as drafted in the document you presented to us.

These doubts I again gave expressions to in two of my letters of 13:12:37 and 28:12:37.

And then in our talk on 12:1:38 you informed me that it was clear to you that what had been communicated to you by Mr. Hyamson was not exact, that his associate Mr. Newcombe had exceeded his authorization and the situation was that the Arabs did not agree at all to that text and they do not at all acknowledge it.

There is an obvious and glaring discrepency between your first statements and your last, and I therefore ask you to explain to me, if you can, through whom and when things were said here which do not accord with the facts! The clarification of this question is not merely of historical interest. It is important for the determination of the course of events in the future. If this be the answer to the discrepency, that the Arabs with whom Mr. Hyamson spoke in London and with whom you spoke in Jerusalem, have tripped you up into lying statements or they have gone back on their former statements, then no more trust can be placed in their words, and in that event we cannot understand how you find it possible to keep up your connections and your deliberations with them. On the other hand, if they are not here guilty of any deceit or change of position, but - as one of them said to Mr. Bakstansky in London on 14:12:37 (see the enclosure to my letter to you of 28:12:37) - that they had never on their part expressed agreement to the Hyamson-Newcombe formula, then the question arises as to the grounds for the repeated declaration by word of mouth andin writing that a given Arab group had expressed its agreement with this formula.

(Appendix X)

I hope that you will agree that the Executive of the Agency has the full right to place these questions to you and to Mr. Hyamson. If private individuals address themselves to a body such as the Executive of the Jewish Agency and demand its attention to proposals and plans bearing upon questions engaging the public attention, it should be clear to them in advance that this body cannot just pass this matter by if it became clear that these persons have had no grounds whatever to bother it with their proposals, seeing that what they said did not correspond with the facts but were the fruit of false impression or baseless rumours or wilful falsification by someone. The attitude of confidence which this body has shown to those private individuals through the very fact of its having had dealings with them, requires and justifies the demand that they give these explanations.

(Sgd) M. Shertok

APPENDIX XI

The Arab population in 1948 will be about 1,240,000 (see graph on page 281 of Royal Commission Report).

If the Jewish population is then 40% of the total population, it will be 2/3rds (i.e. $\frac{40}{60}$) of the Arab population, or about 825,000.

That requires an average annual immigration from 1938 of about 29,000 a year. At that rate of immigration and with the existing rates of natural increase of Jews and Arabs, the populations will be as follows approximately after 1940:-

Year	Total Arabs	Total Jews	Total Population
1940	1,040,000	480,000	1,520,000
1941	1,065,000	520,000	1,585,000
1942	1,090,000	560,000	1,650,000
1943	1,115,000	600,000	1,715,000
1944	1,140,000	650,000	1,790,000
1945	1,165,000	690,000	1,855,000
1946	1,190,000	735,000	1,925,000
1947	1,215,000	780,000	1,995,000
1948	1,240,000	825,000	2,065,000

CORRECTIONS

Page 2 - Line 11 from the bottom should read as follows:-

"The above is not correct, as shown on page 9 (instead of page 12) para. 30 of this Report."

Page 4 - Para. 13, line 7 should read "radical" and not "racidal"

Page 6 - Para. 18 line 6 should read: "Mr. Hyamson was informed of this...." instead of "by this".

Page 7 - Para. 20 line 1 - correct "patent" to read "potent".

Page 8 - Para.22 line 3 should read "page 4 (Appendix IX)" instead of "Page 5 ....."

Page 10 - Para.32 line 8 should read "The statement was never made by me....." instead of "to me...."

Page 12 - Para. 34 line 3 should read "....Mr. Ussishkin's presence...." instead of "present...."

Page 12 - Para. 35 line 5 should read "We only sought to know ....." instead of "thought....."

Page 12 - Para. 37 line 1 insert between the words "point of importance" and "which I referred above", the word "to".